

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Speed Way Transportation, LLC, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 2:20-cv-05047
	:	
v.	:	Judge Sarah D. Morrison
	:	
City of Gahanna, Ohio <i>et al.</i> ,	:	Magistrate Judge Kimberly A. Jolson
	:	
Defendants.	:	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs Speed Way Transportation LLC, d/b/a Speed Way Towing (“Speed Way”) and Ahmed Shehata hereby move this Court for an order, pursuant to Rule 15(a)(2) and the April 12, 2023 Scheduling Order, granting them leave to file an Amended Complaint. The proposed Amended Complaint is attached. The reasons for this motion are set forth in the memorandum below. Pursuant to Local Rule 7.03, the undersigned contacted Defendants’ counsel who indicated they have no objection to this motion.

Respectfully submitted,

**NEWHOUSE, PROPHATER, KOLMAN  
& HOGAN, LLC**

*/s/ Michael S. Kolman*

Michael S. Kolman (0031420)  
[mkolman@npkhlaw.com](mailto:mkolman@npkhlaw.com)  
3366 Riverside Drive, Suite 103  
Columbus, Ohio 43221  
Telephone: (614) 255-5441  
Facsimile: (614) 255-5446  
*Counsel for Plaintiff*

**MEMORANDUM IN SUPPORT**

This action was filed in September 2020 following the second time that the Defendant City of Gahanna denied Plaintiffs' bid for a city towing contract. The complaint contained six counts setting forth claims for monetary and injunctive relief brought pursuant to 42 U.S.C. §§1981, and 1983 for violations under the First, Fifth and Fourteenth Amendments to the United States Constitution, and tortious interference with prospective economic advantage in connection with the solicitation, acceptance of bids, and denial of Plaintiffs' bid by the City of Gahanna, Ohio for vehicle towing contracts.

As this Court is aware, this Court granted Defendants motion to dismiss and dismissed this action in its entirety on June 15, 2021. Plaintiffs' filed their notice of appeal on July 14, 2021. More than a year and a half later on March 1, 2023, the Sixth Circuit Court of Appeals issued its opinion affirming dismissal of five of the original counts but reversing the dismissal of Plaintiffs' equal protection claims pursuant to 42 U.S.C. §§1983, alleging discrimination based upon religion and national origin. Pursuant to this Court's schedule order, Plaintiffs must move to amend the complaint on or before June 12, 2023. This motion is timely.

Given the passage of time, Plaintiffs desire to amend their complaint to include allegations about relevant events that have occurred over the past two years, and which further demonstrate the Defendants discriminatory animus. In addition, to avoid any confusion, Plaintiffs have removed the five counts of the complaint which this Court dismissed, and which dismissals were affirmed on appeal. This may further streamline this action.

For the foregoing reasons, Plaintiffs respectfully request that they be granted leave to file the attached amended complaint.

Respectfully submitted,

**NEWHOUSE, PROPHATER, KOLMAN  
& HOGAN, LLC**

*/s/ Michael S. Kolman*

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[mkolman@npkhlaw.com](mailto:mkolman@npkhlaw.com)

3366 Riverside Drive, Suite 103

Columbus, Ohio 43221

Telephone: (614) 255-5441

Facsimile: (614) 255-5446

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will also send such notification to:

Frank J. Reed  
Jesse J. Shamp  
Frost Brown Todd, LLC  
10 West Broad Street, Suite 2300  
Columbus, Ohio 43215  
*Counsel for Defendants*

*/s/ Michael S. Kolman*

Michael S. Kolman (0031420)